GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – Commercial Taxes Department – Surprise Check conducted over the Integrated Check Post, B.V.Palem, Tada Mandal, SPSR Nellore District on 21-12-2013 – Allegations of Corruption – Common disciplinary proceedings initiated – Inquiry under Rule 20 of Andhra Pradesh Civil Services (Classification Control and Appeal) Rules, 1991 - Article of Charges framed against Sri Kalavathula Kiran Kumar, Junior Assistant, Commercial Taxes Department - Orders – Issued.

REVENUE (VIGILANCE – II) DEPARTMENT

G.O.Rt.No.768 **Dated:06-06-2018**
Read:

G.O.Ms.No.293, Revenue (Vigilance – II) Department, Dt:06-06-2018.

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O R D E R :

In continuation of the orders issued under Rule 24 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 in the reference read above, it is considered necessary to hold an enquiry against Sri Kalavathula Kiran Kumar, Junior Assistant, Commercial Tax Department, Integrated Check Post, B.V.Palem, Tada Mandal, SPSR Nellore District under Rule 20 of the said rules.

2. The substance of the imputation of misconduct or misbehavior in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-I) and the imputation of misconduct or misbehavior in support of each article of charge is enclosed (Annexure-II). A list of documents by which and a list of witnesses by whom the articles of charge are proposed to be sustained are also enclosed (Annexure-III & IV).

3. Sri Kalavathula Kiran Kumar, Junior Assistant, Commercial Tax Department, Integrated Check Post, B.V.Palem, Tada Mandal, SPSR Nellore District is directed to submit within ten days of the receipt of this order a written statement of his defense.

4. He is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. Sri Kalavathula Kiran Kumar, Junior Assistant, Commercial Tax Department, Integrated Check Post, B.V.Palem, Tada Mandal, SPSR Nellore District is further informed that if he does not submit his written statement of defense on or before the date specified in para 3 above, or otherwise fails or refuses to comply with the provisions of Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 or the orders / directions issued in pursuance of the said rules the Inquiring Authority may hold the inquiry against him ex-parte.

6. Attention of Sri Kalavathula Kiran Kumar, Junior Assistant, Commercial Tax Department, Integrated Check Post, B.V.Palem, Tada Mandal, SPSR Nellore District is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964 under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings, it will be presumed that he is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

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7. The receipt of this order may be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr.MANMOHAN SINGH
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S) (FAC)

To

Sri Kalavathula Kiran Kumar, Junior Assistant, Commercial Tax Department, Integrated Check Post, B.V.Palem, Tada Mandal, SPSR Nellore District (w.e, Annexures-I to IV) **through** the Commissioner of Commercial Taxes, Andhra Pradesh, Vijayawada.(with a request to serve the order on the individual and send the served copy with dated signature to Government)

The Commissioner of Commercial Taxes, Andhra Pradesh, Eedupugallu, Vijayawada.

Copy to

The Secretary to Vigilance Commissioner,
Andhra Pradesh Vigilance Commission, Velagapudi.

The Director General, Anti Corruption Bureau, Pandit Nehru Bus Station, NTR Administration Block, 2nd Floor, Andhra Pradesh, Vijayawada.

The Revenue (Commercial Tax-I) Department.

SF / SC.

//FORWARDED BY ORDER//

SECTION OFFICER

ANNEXURE-I

ARTICLE OF CHARGES FRAMED AGAINST SRI K. KIRAN KUMAR JUNIOR ASSISTANT, COMMERCIAL TAX DEPARTMENT(INCOMING CHECK POST), INTEGRATED CHECK POST, B.V.PALEM, TADA MANDAL, SPSR NELLORE DISTRICT.

That Sri Kalavathula Kiran Kumar, S/o K.Krishna Murthy, Junior Assistant, Commercial Tax Department, Integrated Check Post, BV Palem, Tada Mandal was appointed as Junior Assistant on 29-12-2001 and worked at Integrated Check Post, BV Palem, Tada Mandal on deputation from 17-05-2013. While he was working as Junior Assistant, Integrated Check Post, BV Palem, Tada Mandal on 21-12-2013 has committed grave misconduct in as much as:-

CHARGE:- That the Sri K.Kiran Kumar, Junior Assistant, Commercial Tax Department, Integrated Check Post, BV Palem, Tada Mandal being public servant on duty together with (SV Prasad, Assistant Commercial Tax Officer (B.B Prasanna Kumar, Assistant Commercial Tax Officer, Sk.Shabbir, P.Hari Krishna, P.V Jagadish Kumar, H.Ramanaih A.Venu Gopal, A.Ramanaiah) got bribes collected from the crew of the vehicles for ignoring their violations while checking the records and the usual collection on 21-12-2013 was Rs.2,650- 00 collected on the counters and also engaged two private persons for collection of mamools from the crew of the vehicles and an amounts of Rs.34,800-00 + Rs.11,000-00 were found with said private persons Ambakam Murali, Ambakam Maresh. He failed to account for Rs.2540-00 found under his office chair as well as Shaik Shabbir, and K.Kiran Kumar in pell mell condition. Further he also failed to account for an excess amount of Rs.610-00 found with him.

Thus, Sri K. Kiran Kumar, Junior Assistant, Integrated Check Post, B.V Palem, by the above mentioned acts has exhibited lack of integrity, devotion to duty and conduct unbecoming of a Govt. Servant and thereby violated Rule 3 (1) (2) (3) and 9(8A) of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

Dr.MANMOHAN SINGH
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S) (FAC)

SECTION OFFICER

ANNEXURE —II

STATEMENT OF IMPUTATIONS IN SUPPORT OF ARTICLE OF CHARGES FRAMED AGAINST SRI K. KIRAN KUMAR(INCOMING CHECK POST), JUNIOR ASSISTANT, COMMERCIAL TAX DEPARTMENT, INTEGRATED CHECK POST, B.V.PALEM, TADA MANDAL, SPSR NELLORE DISTRICT.

That Sri K. Kiran Kumar, Junior Assistant, Integrated Check Post, B.V Palem, Tada Mandal is a native of A.K. Nagar, Nellore, SPSR Nellore District and he joined in Government Service on 29-12-2001 as Junior Assistant and working at Integrated Check Post, B.V.Palem, Tada, Nellore District from 17-05-2013. His date of birth is on 30.01.1978 and date of retirement on attaining the age of superannuation is 31-01-2038. He is here-in-after referred to as Government Servant.

CHARGE:- That the Sri K.Kiran Kumar, Junior Assistant, Commercial Tax Department, Integrated Check Post, BV Palem, Tada Mandal being public servant on duty together with (SV Prasad, Assistant Commercial Tax Officer, B.B Prasanna Kumar, Assistant Commercial Tax Officer, Sk.Shabbir, P.Hari Krishna, P.V Jagadish Kumar, H.Ramanaih) and A.Venu gopal, A.Ramanaiah got bribes collected from the crew of the vehicles for ignoring their violations while checking the records and the usual collection on 21-12-2013 was Rs.2,650-00 collected on the counters and also engaged two private persons for collection of mamools from the crew of the vehicles and an amounts of Rs.34,800-00 + Rs.11,000-00 were found with said private persons Ambakam Murali, Ambakam Maresh. He failed to account for Rs.2540-00 found under his office chair as well as Shaik Shabbir, and K.Kiran Kumar in pell mell condition. Further he also failed to account for an excess amount of Rs.610-00 found with him.

FACTS AND EVIDENCE:-

On credible information that the officers and staff of Integrated Check Post, B.V.Palem, Tada Mandal SPSR Nellore District are indulging in corrupt practices and collecting mamools from the crew of vehicles plying through Integrated Check Post, B.V.Palem, a surprise check was conducted over transport wing, prohibition and excise wing, commercial taxes incoming and outgoing wings of Integrated Check Post, B.V.Palem on 21-12-2013 from 00-30 hrs to 06-00 hrs with four teams headed by the Deputy Superintendent of Police, Anti Corruption Bureau, Nellore Range, Nellore in the presence of mediators. After completion of the surprise check at the transport wing, the team consisting of Deputy Superintendent of Police and others proceeded to Commercial Tax Incoming Check Post and found the presence of Inspector M.Krupanandam, Sub Inspector, Venkateswarlu, Police Constable, Phani Prasad and mediator by name Sri.K.Subba Rao. The inspector informed to the Deputy Superintendent of Police that on the instructions of him they observed in the said wing the two persons are moving in between out side the office premises and collecting mamools from the crew of the vehicles who came from verification of records and transit process. They found two persons i.e. Ambakam Murali and Ambakam Maresh who are collecting the amounts from the crew members and they try to run away from the premises after noticing their presence and they were caught red-handedly with the amounts of Rs. 34,800/- available with Ambakam Murali and Rs.11,000/- available with Ambakam Maresh. When the Deputy Superintendent of Police asked those two persons about their presence and A.Murali informed that he was engaged by the officials of the Commercial Taxes Department for the incoming check post for collection of mamools from the crew of the vehicles and for that work they were being paid Rs.600/- per shift i.e. 8.00 pm to 8.00am. He also stated that in all he collected Rs.34,800/- from the crew of the vehicles as mamools. The Deputy Superintendent of Police seized the amounts produced by A.Murali. The Deputy Superintendent of Police also enquired Ambakam Maresh who

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voluntarily stated that he was also engaged by Commercial Taxes Incoming Check Post officials for collection of mamools from the crew of the vehicles and he was also being paid Rs.600/- per day by the officials and his duty is from 8.00 pm to 8.00 am and he has collected Rs.11,000/- from the crew of the vehicles and he produced the same and the same was seized by the Deputy Superintendent of Police.

When the Deputy Superintendent of Police verified the premises and found an amount of Rs.2,540/- under the chairs of (Sk.Shabbir)Junior Assistant, (P.Hari Krishna) Junior Assistant, and K.Kiran Kumar, Junior Assistant, When they were questioned about the availability of the amount they kept silent and did not offer anything. Then the Deputy Superintendent of Police seized and said amount for further verification. As per the duty register pertaining to the Commercial Tax Department on the date of surprise check (Sri K.Kiran Kumar) was present and he was on duty. As per the voluntary statements given by the two above private persons, the Government Servant in connivance with Assistant Commercial Tax Officers and with active assistance of other staff collecting mamools from the crew of the vehicles in order to ignore the violations made by the said crew while checking the records. Private persons cannot be engaged as per the rules of the check post but the officials of the said check post inclusive of the Government Servant engaged these two private individuals and opted illegal methods and collected an amount of Rs.45,800/- in total through the two private persons. Further there is no explanation given by him regarding the availability of Rs.2,540/- found under the chairs of his Junior Assistants in the premises of the incoming check post. All these factors reveal that the Government Servant in collusion with the other staff members are collecting mamools crew of the vehicles for ignoring their latches during the transit and thereby they have clearly violated the conduct rules. Further as per the personal cash register he declared that an amount of Rs.300/- was there with him when he entered into the office but on personal verification an amount of Rs.910/- was found with him i.e. an excess of Rs.610/- for which he has not given proper explanation. It shows that he might have had some mamools collected by two private persons on behalf of their department.

Thus the Government Servant Sri K.Kiran Kumar, Junior Assistant, Commercial Tax Department by his above-mentioned acts has exhibited lack of integrity, devotion to duty and conduct unbecoming of a Government Servant and thereby contravened Rule 3 (1) (2) (3) and 9(8A) of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

Thus the Government Servant has therefore rendered himself liable for departmental action for his misconduct.

Dr.MANMOHAN SINGH
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S) (FAC)

SECTION OFFICER

ANNEXURE-III

LIST OF WITNESSES

1. Sri Goli Chandra Sekhar Rao S/o Ramanjaneyulu, Age: 46 Years, Old Mangalagiri, Guntur District.

2. Sri Sunkara Samba Siva Rao S/o Brahmaiah, Age: 49 Years, Ramavarappadu, Krishna District.

3. Sri DSR Manohar Rao S/o Venkata Subbaiah, Age: 46 Years, Senior Assistant, Panchayat Raj Division, Ongole, Prakasam District.

4. Sri M.V. Siva Prasada Rao S/o Venkata Subbaiah, Age: 48 Years, Assistant Executive Engineer, Panchayat Raj, Ongole, Prakasam District.

5. Sri K. Subba Rao S/o Mastan, Age: 53 Years, Work Inspector, Panchayat Raj, Ongole, Prakasam District.

6. Sri M. Krupanandam, Inspector of Police, Anti Corruption Bureau, Nellore.

7. Sri T.V. Srinivasa Rao, Inspector of Police, Anti Corruption Bureau, Nellore.

8. Sri J.Bhaskara Rao, Deputy Superintendent of Police, Anti Corruption Bureau, Nellore.

Dr.MANMOHAN SINGH
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SECTION OFFICER

ANNEXURE IV

LIST OF RECORDS

1. Duty Register(Attendance register) of Integrated Check Post, B.V.Palem.

2. Personal Cash Register.

3. Mediators report drafted on 21.12.2013 for the surprise check conducted over the Integrated Check Post, B.V. Palem, Tada Mandal, SPSR Nellore Dist.

4. Service Particulars of SO and Job Chart.

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SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S) (FAC)

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